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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Croatia*

The present report is a summary of 8 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

1. The Ombudsperson of the Republic of Croatia (The Ombudsperson) noted that Croatia has yet to sign and ratify relevant international instruments in the field of refugees and asylum seekers.[2]

2. The Ombudsperson noted that although Croatia has established a relatively good legal and institutional framework in the field of human rights, the implementation of regulations and public policies is still lagging behind.[3]

3. The Ombudsperson noted that the Ombudsman's Act expanded the institution's mandate to judiciary, human rights and cooperation with various stakeholders, however, the expansion was not followed by appropriate personnel and financial strengthening.[4]

4. The Ombudsperson noted that Croatia has yet to submit the second periodic report to the CESCR, due since 2006. The submission of reports under the CERD is also overdue, while the combined 4th and 5th report under the CEDAW and the initial report on CRPD were submitted with a delay. They recommended the Government to appoint a coordination body with capacity to monitor and regularly report under the UN conventions.[5] Croatia submitted its consolidated 3rd and 4th periodic report on the implementation of CRC.[6]

5. The Ombudsperson stated that there are still uncertainties about the limits and interpretations of certain grounds of discrimination in the implementation of the Anti-Discrimination Act. He observed that social exclusion of some minority groups continues with majority of complaints to the Ombudsperson Office were related to discrimination on the grounds of race/skin color and national or ethnic origin and LGBT persons, while he observed that the most frequent motive for hate crimes is hatred on the grounds of national origin.[7] The Ombudsperson reported a high level of social exclusion and poverty among the Roma and discrimination against Serbian national minority in labor, employment, judiciary, administration and housing. The public racist and xenophobic outbursts persist, particularly on the internet, social networks and in sports competitions.[8]

6. The Ombudsperson noted the presence of gender discrimination including sexual harassment in the workplace, and on the grounds of pregnancy and/or maternity, in addition to treatment of women in the media.[9]

7. The Ombudsperson observed that the reported hate crimes are mostly directed at homosexual persons, while the number of such acts is slightly declining.[10]

8. The Ombudsperson raised concerns on the lack of systematic education on anti-discrimination legislation for judges, civil and public servants, media representatives, trade unions, attorneys and other key actors.[11]

9. The Ombudsperson observed that the situation of women workers is becoming challenging as a result of economic crisis and patriarchal attitudes.[12]

10. The Ombudsperson reported on violations of the rights of persons deprived of their liberty related to the accommodation conditions, which could constitute inhuman or degrading treatment, such as overcrowding and inability to ensure compliance with legal and international standards, and unequal treatment arising from shortcomings in the legal framework, restrictive interpretation of laws or inconsistent application of regulations. The Ombudsperson recommended that provision of health care in the prison system should be placed under Ministry of Health.[13]

11. The complaints of domestic violence to the Gender Equality Ombudsperson revealed cases of involuntary hospitalization against women who participated in domestic violence either as a victim or a suspected offender.[14] The Ombudsperson observed that women represent the majority of victims of domestic violence in both misdemeanor and criminal offences.[15]

12. The Ombudsperson stated that despite efforts invested in the judicial reform, the quality and the duration of judicial proceedings indicates that the judiciary is still not fully efficient. The number of citizens' cases before the European Court of Human Rights (ECHR) has also increased significantly.[16]

13. The Ombudsperson noted that the new Free Legal Aid Act, expanded the scope of beneficiaries and legal matters, however, with insufficient funding. He also noted that the Legal Aid Commission's role in developing the system is still insufficiently autonomous.[17] The Ombudsperson noted the inefficiency and insensitivity of the judicial system and weaknesses in the functioning of the child protection system for different reasons and the measure of detention on remand for children is not executed in compliance with international standards and national regulations. The safety of children concerning mines near schools was of concern.[18]

14. The Ombudsperson noted that the situation of homosexual and gender dysphoric persons worsened because of the referendum defining marriage as a union of a man and a woman. He was also concerned with the removal of Article 215A and called for urging Croatia to amend the Criminal Code to re-incorporate coercive control as a crime of violent conduct within a family.[19]

15. The Ombudsperson also recommended that elderly persons should be allowed to stay in their home as long as possible and should be provided with quality residential care.[20]

16. The Ombudsperson noted that the problem of social housing has not been systematically regulated and adoption of the Social Housing Strategy is still pending. He observed that the homeless persons continue to suffer despite a reformed social welfare system and recommended establishing minimum standards for their financing.[21]

17. The Ombudsperson noted that job losses and an uncertain labor market are causing excessive indebtedness of citizens. The Ombudsperson urged that in order to protect the existential minimum, it is required to follow the practice of the ECHR by establishing the principle of proportionality between the goal and measures of execution and eviction from the only property as the measure of last resort. He observed a politicization of public and state service, reflected in a series of irregularities related to employment and work assignments in state service and in private sector.[22]

18. The Ombudsperson noted that the accession process to the European Union in 2013 had positive effects on raising the standards of human rights and combating discrimination. However, the ongoing economic crisis has adversely affected the most vulnerable social groups by restricting social rights and reducing the capacities of public services and institutions.[23] The Ombudsperson also noted that social welfare allowances are extremely low, and urged redirecting social transfers to groups experiencing unfavorable circumstances.[24]

19. The Children's Ombudsperson pointed out the inefficient social welfare system particularly related to protection of the children without appropriate care. The institutions lack efficient procedural mechanism in cases where court orders are disobeyed by parents or those who continue their harmful behavior towards children. The scope and quality of foster care are insufficient.[25] The Ombudsperson observed that the increasing poverty caused by the economic crisis threatening many children's rights, including their right to survival.[26]

20. The Ombudsperson noted that the Act on the Protection of Patients' Rights has still not been amended in accordance with the Constitutional Court decision of 2008. The right to quality health care is jeopardized by long waiting lists forcing patients to private health care. Palliative care is inadequately organized, while the implementation of the Strategic Plan for the Development of Palliative Care in the period 2014 - 2016 is arguable.[27] The Ombudsperson also reported insufficient number of pediatricians, orthodontists and psychiatrists for children and youth.[28]

21. The Ombudsperson reported that there are no clear measures or corresponding regulations for improving the children's right to education. There has been an increase in violence among and against children via social media and the fact that the mandatory education system fails to provide every child with a sufficient level of media literacy and knowledge about the safe use of internet.[29]

22. The Ombudsperson reported that persons with disabilities (PWD) are discriminated against in accessing public buildings and the use of public services, labour, employment and education.[30] He stressed that six years after CRPD entered into force, the awareness of decision-makers and experts on the social model of disability is still low. Lack of legislation hampers social inclusion of disabled particularly in education and employment.[31] Complaints submitted to the Disability Ombudsperson showed the increasingly difficulty in accessing health care. Government austerity measures have resulted in reducing the standard of supply of orthopaedic and other aids.[32]

23. The Ombudsperson reported that the initiated process of deinstitutionalisation, particularly for persons with intellectual and psychosocial disabilities, has slowed down. The Ombudsperson reported on the long waiting lists for accommodation in institutions in violation to their rights to independently live in the community.[33] The amendments to regulations governing the deprivation of legal capacity were not geared toward the introduction of supported decision-making, which is a violation of CRPD.[34]

24. The Ombudsperson stated that in 2013, ethnic relations were aggravated as a result of a referendum to amend the Constitutional Act on the Rights of National Minorities and raise the threshold for exercising the right to equal official use of the language and script of national minorities. National minorities' issues are not sufficiently represented in the media.[35]

25. The Ombudsperson noted that despite amendments, the implementation of the Croatian Citizenship Act remained incompliant in addressing the requests by persons seeking citizenship as returnees. The legislative framework for asylum is harmonized with the EU acquis, but there are problems in the implementation of the Asylum Act and social integration of asylees and asylum seekers, as well as foreigners under subsidiary protection. The most vulnerable are asylum seekers who were denied asylum, but they cannot return to their country of origin, as their specific needs are not recognized. Xenophobia toward asylum seekers is high thus making integration difficult.[36]

26. The Ombudsperson reported that despite the efforts invested in the return of refugees, it remained slow, due mainly to difficulties in accessing the housing care for former tenancy right holders and employment in the place of return, infrastructure, lack of social services, inequality. Additionally, the number of cases before the ECHR concerning ineffective investigations of crimes committed during the war is rising.[37]

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations[38]

27. JS2 recommended to urgently ratifying the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).[39]

2. Constitutional and legislative framework

28. JS3 noted that previously, domestic violence was primarily prosecuted under Section 215A which was eliminated in 2011, that broadly punished any violent, abusive or particularly insolent conduct that put another family member into a "humiliating position." JS3 recommended amending the Criminal Code and to restore Article 215A. They recommended incorporating coercive control, so that domestic violence offenses are not prosecuted as bodily injuries only. Additionally they recommended amending the Misdemeanor Act[40] and the Family Law, repealing legal provisions and amending policies and to provide protection to the victims of domestic violence.[41]

29. JS2 noted that positive changes in the Criminal Code have been rare and extremely slow. Furthermore, there have been other relevant changes regarding sexual violence, such as the minimum sentence of imprisonment for rape was reduced from three years to one year. They recommended that Croatia clearly define the offence of "Sexual intercourse without consent" in the Criminal Code, distinct from the offence of "rape"; clearly define the rights of the victims in the Criminal Procedural Law and guarantee their enforcement; raise the sentence of imprisonment for rape to a minimum of three years and enforce the imposed sentences.[42]

30. HRW recommended reforming laws that deny PWD their right to legal capacity, including the Social Welfare Act that permits placement in institutions without consent, in line with CRPD. It also recommended amending the Social Welfare Act to ensure people with disabilities are no longer placed in institutions without their consent except in limited circumstances.[43]

31. OSCE/ODIHR noted that in relation to the legal framework regulating assemblies, the Croatian Law on Public Assembly appears to give shared responsibility to organizers and the police authorities to maintain order during an assembly as in Article 16.1 places an obligation on the organizers while Article 16.4 gives responsibility to the police. OSCE/ODIHR was concerned that provisions in Croatia law appear to partly shift the responsibility of maintaining order during the assembly to its organizers and to assembly stewards. Croatian law appears to delegate official powers and responsibilities to assembly stewards that go beyond their proper role as facilitators and that should rather be assigned to law enforcement officials. Provisions in Croatian law that give assembly stewards the responsibility to maintain peace and order and to (albeit briefly) detain individuals are in conflict with the principle that it is a central responsibility of the State to maintain public order. Moreover, legislation requiring organizers to ensure the presence of stewards during assemblies could result in the imposition of disproportionate restrictions on assemblies.[44]

32. JS2 recommended amending the legislation regulating defamation.[45] JS2 also recommended amending the Anti-Discrimination Act by re-defining the grounds of discrimination and exceptions from discrimination and to draft a National Anti-Discrimination Plan in line with other Anti-Discrimination policies, strategies, programs and/or plans.[46]

3. Institutional and human rights infrastructure and policy measures

33. JS2 noted that the office of the Ombudsperson lack sufficient human and financial resources to fully and seriously implement its mandate.[47]

34. JS2 reported on the implementation of recommendations[48] which called on Croatia to continue to develop and consolidate its national human rights institutions, opposite trends may be detected. JS2 acknowledged that Croatia undertook several initiatives to upgrade the capacity and the status of the Ombudsperson, including the introduction of the new Ombudsman Act, the possibility for the Ombudsperson to carry out National Preventive Mechanism's tasks, the establishment of the Council of the Ombudsman and the conclusion of the Agreement on Inter-Institutional Cooperation between three specialised ombudsman offices (gender equality, people with disabilities, children). However, the work of all four new established offices is still not sufficiently recognised and valued by the Croatian Parliament and Government institutions, as well as by the citizens.[49]

35. JS2 was concerned over the merging of the Government Office for Human Rights with the Office for National Minorities which resulted in the deterioration of the Government's capacity to advance the protection of human rights. In particular, the new Government Office lost its proactive role in creating and coordinating the development and the implementation of public policies and legislations dealing with human rights. Thus, the Government does no longer have an effective infrastructure for the promotion and the protection of human rights. Among all the aforementioned institutions, the Government Office for Gender Equality remained the least visible and successful, and also failed in executing the tasks envisioned by the Gender Equality Act. The Office of Gender Equality has grown steadily, however, too often the Government's bodies and institutions don't accept their recommendations and warnings.[50]

36. JS1 observed that Croatia does not have a policy or strategy on combatting violence against women. It is thus not surprising that sexual violence is not recognized in any national policy or strategy as a social issue needing attention. There are national and local policies and strategies on domestic violence but violence against women as such is dominantly unrecognized as a relevant problem.[51]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

37. JS2 observed that recommendations[52] related to combating discrimination were not included in the Anti-Discrimination Act (ADA) as amended in 2012. There has been only sporadic use of ADA mechanisms The National Anti-Discrimination Plan failed to accomplish the envisioned results. The definition of discrimination, and the objectives and measures to eradicate discrimination were not adequate and realistic as there were no indicators, time frame or implementing authorities. JS2 recommended developing a joint plan and awareness raising campaigns targeting the general public or specific audience in cooperation with CSOs to combat discrimination.[53]

B. Right to life, liberty and security of the person

38. JS3 observed widespread violence against women in Croatia, with Femicides becoming a serious problem.[54] JS3 noted that victim of domestic violence cannot obtain

remedies or protection under both the misdemeanor and criminal systems. The application of the Law on Protection against Domestic Violence (LPDV) or Criminal Code is determined by the police.[55] JS3 reported that during the first Review, Croatia accepted recommendations on domestic violence, noting that major gaps in prosecutions and punishments of offenders. JS3 informed that the new Criminal Code no longer contains a specific domestic violence offense; instead, prosecutors must rely on bodily injury and threat provisions hence the new Criminal Code does not recognize most domestic violence as a criminal offense.[56]

39. On recommendations[57] related to violence against women and domestic violence, JS2 acknowledged the adoption of several progressive legislation on gender-based violence, but observed numerous shortcomings in their implementation. JS2 recommended establishing a sustainable cooperation between the Ministry of Interior Affairs and CSOs dealing with domestic and gender based violence.[58] JS1 noted that Croatian society is still dominated by patriarchal values, which directly contribute to numerous prejudices and stereotypes. JS1 noted that rights of victims of sexual violence under the Criminal Procedural Law are not respected due to lack of implementation of the said law. They recommended that opening at least 3 new regional centers for victims of sexual violence.[59]

40. JS3 noted that despite accepting UPR recommendation in 2010 on the protection of victims of domestic violence in an intimate partner relationship, the scope of the LPDV's protection does not encompass intimate partners who do not have children or have not lived together for at least three years. Thus, many intimate or formerly intimate partners do not have access to the LPDV's remedies and protections, and if they seek legal protection against domestic violence, they must pursue it as a private claim.[60] JS3 recommended training police officers, prosecutors, and judges, accurately ascertaining victims of domestic violence and identify perpetrators. They recommended further training under the Criminal Procedure Code on domestic violence.[61]

41. JS2 noted that the accepted recommendation[62] concerning overcrowding in jails was not implemented. They also noted inadequate medical care for prisoners, and the practice to carry out medical examinations in the presence of judicial police officers as well as several reported cases of misconduct of police officers. JS2 recommended ensuring a prompt and impartial investigation into alleged cases of torture and other cruel, inhuman or degrading treatment and recommended trainings for professionals operating in prisons, psychiatric units and hospitals, and judges and lawyers.[63]

C. Administration of justice, including impunity, and the rule of law

42. JS2 observed that the introduction of the Integrated Curriculum Management System as per recommendations[64] increased the independence of the judiciary and tackling corruption. However, the system has not been introduced for war crimes and USKOK (Bureau for Combating Corruption and Organized Crime). JS2 noted that the amendments to the Constitution (OG 76/10) concerning appointment of judges poses threat to independence of judiciary. The publication of the decisions on the nomination or dismissal of judges or their career advancements, on the web site of the Judicial State Council, lacks sufficient safeguards. The amendments to the Act on Courts are not implemented adequately. In addition, the obligation of the President of the Supreme Court to submit an annual report to the Croatian Parliament to evaluate the work of the Judiciary doesn't respect a strict division of the judicial, executive and legislative organs.[65]

43. JS3 noted that although Croatia accepted recommendations related to access to legal aid and made improvements to the Free Legal Aid Act, the process continue to be complicated, therefore they recommended that Croatia clarify and simplify its approval process.[66] JS2 expressed concern at the issue of access to justice by poor and socially

marginalised persons as constant changes of laws prevented steady jurisprudence, created legal uncertainty thus undermining the rule of law. JS2 recommended taking necessary financial measures to guarantee access to legal aid and invest significant efforts in the creation of a steady jurisprudence.[67]

44. OSCE/ODIHR stated that the non-extradition of nationals for the prosecution of war crimes abroad remains a serious challenge for victims' right to justice.[68]

45. HRW observed that since Croatia's first UPR, domestic war crimes prosecutions have improved, but concerns remain with the administrative capacity of courts to effectively deal with cases, witness support and protection, and the speed of investigations.[69]

46. JS2 reported on recommendations[70] concerning the past and War crime court proceedings, and signing of the Protocol on cooperation in prosecuting perpetrators of war crimes, crimes against humanity and crimes of genocide, between the Prosecutor's Office of Bosnia and Herzegovina and the Office of the War Crimes Prosecutor of the Republic of Serbia.[71] HRW noted that in 2013, Croatia agreed a protocol to exchange information and evidence with Serbia, Montenegro and Bosnia and Herzegovina regarding war crimes prosecution, exchanging data and documentation.[72] HRW also noted the 2013 amendments to the Criminal Code aimed at decreasing the burden on the four specialized courts to allow them to focus solely on serious crimes, including war crimes.[73] JS2 emphasised the importance of cooperation between the judicial authorities in the region to create a system of monitoring of the implementation of the protocols. HRW observed that in 2013 not a single investigation was initiated, nor any member of Croatian military formation or of the Ministry of the Interior was indicted. They noted the need for additional independent inquiry in cases of torture or killing during the war, while the number of unprosecuted war crimes is still high.[74] HRW and JS2 recommended intensifying efforts to increase the prosecution of war crimes and combat impunity for war crimes and to improve the capacity of domestic courts and witness protection mechanisms to improve efficiency and effectiveness in domestic war crimes prosecution.[75]

47. JS3 noted that the vague language of Article's 215A (Violent Conduct Within a Family) presented problems for holding offenders accountable, its removal has resulted in domestic violence perpetrators escaping prosecution in violation to Croatia's international obligations. Croatia should be encouraged to conduct trainings regarding the probation system, especially for judges and prosecutors, and expand the staffing, funding, and mandate of the probation system to meet its potential to hold perpetrators accountable and protect victims.[76]

D. Freedoms of expression, association and peaceful assembly, and right to participate in public and political life

48. JS2 reported on the implementation of recommendations[77] and stated that the Ministry of Culture failed to develop a media strategy and consistent policies to ensure a democratic contribution of the media. Serious threats to freedom of media are represented by the new provisions of the Penal Code of January 2013, re-intruding defamation and prosecution of journalists even for publishing true and verified facts and information.[78] JS2 recommended conducting trainings for judges on the basic principles of freedom of expression; secure sustainable financial support to non-profit media to ensure independence and professionalism.[79]

49. EUAFR stated that the European Parliament adopted a resolution with regard to Croatia's application to become a member of the EU expressing deep concerns about the violence against participants in the LGBT pride march in Split in June 2011 and the

inability of the authorities to protect participants. The resolution called on Croatia to firmly address cases of hate crime directed against LGBT minorities.[80] OSCE/ODIHR reported that its monitors observed the June 2012 Split Pride event, and were concerned about potential security problems caused by violent counter-demonstrators in the wake of disturbances during the 2011 Split Pride event. For this reason, their cautious approach in maintaining distance between Pride participants and counter-protesters may have been justified. However, recommended for future such events, right to peaceful assembly and counter demonstrations should be adequately accommodated.[81]

50. The OSCE/ODIHR concluded that the presidential election expressed a considerable degree of confidence in the integrity of the process. However, it emphasised on addressing issues like consolidating and harmonizing the legal framework, advancing institutional reform of the election administration, pursuing the update of the voter register, and promoting better awareness among voters and candidates of the key elements of the electoral process.[82]

E. Right to work and to just and favourable conditions of work

51. JS2 observed that recommendations related to the elimination of discrimination based on gender in the labour market have not been taken into consideration. Women form the majority of the unemployed population. The recent change of the Labour Act has deteriorated the already poor working conditions of women and has seriously affected their position as a working force.[83]

52. EUAFR stated that several legal developments also reflected the extent of discrimination against Roma in employment.[84]

F. Right to social security and to an adequate standard of living

53. EUAFR noted that Croatia introduced new legislation in 2011 explicitly prohibiting direct and indirect discrimination against those accessing social assistance, abolishing pre-conditions requiring severe health impairments of claimants to have occurred before the age of 18 thus removing age limitations in qualifying for the benefits. EUAFR also noted that the Ombudsperson indicated involuntary placement of older persons in retirement homes, suggesting that further monitoring of the system of legal capacity restrictions.[85]

54. JS2 observed that 18 years since the war, the return of refugees and displaced persons, and their housing, is still far from being finalised mainly due to the discriminatory legislation and ineffective system. The returnees areas suffer from systematic negligence with no or limited access to public services. The Serb returnees encounter problems in access their pension. The Amendments to the Law on Areas of Special State Concern are step in the right direction however the Law on Foreigners does not differentiate between foreigners and Croatian refugees thus complicating the returns process. The discretionary right to ban the entry on the basis of safety assessments of the Ministry of Interior left a significant number of refugees not able to return by claiming that they participated in the war without producing any evidence.[86]

G. Right to health

55. JS2 called for special attention to forced detention of persons in psychiatric institutions as the misuse of psychiatry is the worst form of torture and inhuman or degrading treatment. A new Law on the Protection of Persons with Mental Disorders, came

into force on January 2015, with prospects of improvement, nevertheless, CSO are already reporting several cases of violation to the law.[87]

H. Right to education

56. JS2 noted the approval of the draft National curricular framework in 2011, which envisaged the introduction of civic education as an independent subject in the final grades by 2014/2015, as part of the plan in implementing recommendation 97.9, but were concerned that the plan envisions a cross-curricular introduction of civic education only. JS2 recommended raising public awareness about this issue; conduct trainings for schools; and introduce it as an independent subject.[88]

57. OSCE/ODIHR noted that in the ECtHR judgment of Oršuš and Others v Croatia, March 2010, found that the placement of the Roma pupils, at times, into Roma-only classes during their primary education had not been justified (the segregation of the Roma children into separate classes had ostensibly been based on their language skills).[89]

I. Persons with disabilities

58. JS2 and HRW noted that despite positive steps, PWD do not enjoy equal opportunities as per recommendations[90], due to the slow implementation of CRPD.[91] HRW documented that approximately 9,000 persons with intellectual or psychosocial disabilities are forced to live in institutions where they cannot enjoy their basic rights to privacy, autonomy and dignity. The provisions of the 2014 Family Act continues to place limitations on rights of such persons.[92]

59. HRW observed slow implementation and limited scope of the 2011 National Plan for Deinstitutionalization and Transformation of Social Welfare Homes. JS2 noted that this Plan and Other Legal Entities (2011-2016) to foresee the reduction of the number of adult persons with intellectual disabilities, reserves a different treatment to people with mental disabilities to other categories of persons. Neither the Plan nor the process is in line with the Convention. Most of people coming out of the institution don't have the final say on where and how they want to live.[93] HRW noted that since the enactment of the Plan, only a limited number of persons with intellectual or psychosocial benefitted from it.[94] JS2 recommended accelerating the implementation of CRPD and abolish the regulations that restrict their rights.[95]

60. JS2 noted lack of awareness and training by employers to enhance employability of PWD as the main issues concerning their education are the outdated occupations for which they were educated. There is a lack of new occupations, which would be competitive on the market. Lack of accessibility in public and private buildings is also an issue.[96]

61. HRW recommended allocating the necessary financial and administrative resources to develop and maintain community-based living and support programs for persons with intellectual or psychosocial disabilities.[97]

J. Minorities and indigenous peoples

62. JS2 stated that Croatia failed in the full implementation of the Constitutional Act on Rights of National Minorities which were related to recommendations[98]. The most critical areas, particularly for Serbian minorities and Roma, include access to employment and the right to use own language. An attempt by the hard line Croatian nationalist groups in

Vukovar to limit the right to use of minority language was stopped by the Constitutional Court in 2014.[99]

63. JS2 noted that Croatia did not invest significant effort to promote ethnic dialogue particularly in the war-affected areas. Minorities are underrepresented in public administration and the judiciary. JS2 recommended establishing an independent body to oversee the implementation of positive discrimination policies of national minorities in the employment sector; adopt a new action plan for the implementation and to promote a culture of dialogue and tolerance and eliminate discrimination; abolish discriminatory legal provisions that prevent the return of certain groups of refugees (primarily the Serbian minority); and speed up the administrative process of return; provide resources for the revitalisation of neglected areas.[100]

64. HRW noted that despite accepting the recommendations at the first UPR, Croatia discrimination continues against stateless Roma. HRW observed stateless Roma are unable to access state services such as health care, social assistance or education.[101]

65. HRW observed that ethnic Serbs face obstacles in relation to the right to property especially those stripped of tenancy rights during the war mainly due to administrative restrictions. HRW recommended providing pathways to citizenship for stateless people and ensure access to basic services and access to the purchase of property for Serb former tenancy rights holders.[102]

K. Migrants, refugees and asylum seekers

66. HRW observed that unaccompanied migrant children who have not applied for asylum are accommodated in the Residential Home for the Raising of Children and Young People in Zagreb. While unaccompanied migrant children who have applied for asylum are placed in Kutina reception center, which is designated for vulnerable groups, such as single mothers and unaccompanied children, HRW recommended protection measures for unaccompanied children.[103]

67. EUAFR stated that Croatia lack an effective return monitoring system of third-country nationals who do not fulfil the conditions for entering or staying in the EU, that should respect the principle of non-refoulement and take due account of the best interests of the child, family life and the third-country national's health status.[104]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, City (Country);
HRW	Human Rights Watch, Geneva, (Switzerland).

Joint submissions:

JS1	Joint submission 1 submitted by: Women's Room – Center for Sexual Rights from Zagreb, Croatia, and the Sexual Rights Initiative a coalition including: Action Canada for Population and Development (Canada); Egyptian Initiative for Personal Rights (Egypt); Federation for Women and Family Planning (Poland); Creating Resources for Empowerment and Action (India); Coalition of African Lesbians (Africa); Akahata Equipo de Trabajo en Sexualidades y Generos (Latin America) and others;
JS2	Joint submission 2 submitted by: Human Rights House Zagreb (HRHZ), B.a.B.e. Be active. Be emancipated (member of the Human Rights House Zagreb), Center for Peace Studies (member of the Human Rights House Zagreb), Documenta - Centre for Dealing with the Past (member of the Human Rights House Zagreb), Civic Committee for Human Rights (member of the Human Rights House Zagreb), Svitanje – Association for Protection and Promotion of Mental Health (member of the Human Rights House Zagreb), UPIM – Association for Promotion of Equal Opportunities for People with Disabilities (member of the Human Rights House Zagreb), Serbian Democratic Forum and Association for Self-Advocacy with the support of and in cooperation with the Human Rights House Foundation. Zagreb, (Croatia);
JS3	Joint submission 3 submitted by: The Advocates for Human Rights, Minneapolis, (USA) and Autonomous Women's House Zagreb Zagreb (Croatia).

National human rights institution(s):

The Ombudsperson	Croatian People's Ombudsman (Pučki pravobranitelj)*/The Ombudsman of the Republic of Croatia, Zagreb, (Croatia);

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg, France;
OSCE/ODIHR	Office for Democratic Institutions and Human Rights, Warsaw, Poland;
EUAFR	European Union Agency for Fundamental Rights, Vienna (Austria).

[2] Ombudsman of the Republic of Croatia, p. 1.
[3] Ombudsman of the Republic of Croatia, p. 1.
[4] Ombudsman of the Republic of Croatia, p. 1.
[5] Ombudsman of the Republic of Croatia, p. 4, 7.
[6] Ombudsman of the Republic of Croatia, p. 8.
[7] Ombudsman of the Republic of Croatia, p. 2.
[8] Ombudsman of the Republic of Croatia, p. 2.
[9] Ombudsman of the Republic of Croatia, p. 5.
[10] Ombudsman of the Republic of Croatia, p. 5.
[11] Ombudsman of the Republic of Croatia, p. 5.
[12] Ombudsman of the Republic of Croatia, p. 6.
[13] Ombudsman of the Republic of Croatia, p. 10.
[14] Ombudsman of the Republic of Croatia, p. 10.
[15] Ombudsman of the Republic of Croatia, p. 6.

[16] Ombudsman of the Republic of Croatia, p. 1, 2.
[17] Ombudsman of the Republic of Croatia, p. 2.
[18] Ombudsman of the Republic of Croatia, p. 9.
[19] Ombudsman of the Republic of Croatia, p. 6.
[20] Ombudsman of the Republic of Croatia, p. 2.
[21] Ombudsman of the Republic of Croatia, p. 2.
[22] Ombudsman of the Republic of Croatia, p. 2, 3.
[23] Ombudsman of the Republic of Croatia, p. 1.
[24] Ombudsman of the Republic of Croatia, p. 2.
[25] Ombudsman of the Republic of Croatia, p. 8.
[26] Ombudsman of the Republic of Croatia, p. 8.
[27] Ombudsman of the Republic of Croatia, p. 9.
[28] Ombudsman of the Republic of Croatia, p. 8.
[29] Ombudsman of the Republic of Croatia, p. 8, 9.
[30] Ombudsman of the Republic of Croatia, p. 5.
[31] Ombudsman of the Republic of Croatia, p. 7.
[32] Ombudsman of the Republic of Croatia, p. 7.
[33] Ombudsman of the Republic of Croatia, p. 7.
[34] Ombudsman of the Republic of Croatia, p. 8.
[35] Ombudsman of the Republic of Croatia, p. 4.
[36] Ombudsman of the Republic of Croatia, p. 3.
[37] Ombudsman of the Republic of Croatia, p. 4.
[38] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[39] JS2, p. 8, 9.
[40] JS3, p. 14, 15.
[41] JS3, p. 7-11, 15.
[42] JS1, p. 1-4.
[43] HRW, p. 2.
[44] OSCE/ODIHR, p. 5.
[45] JS2, p. 8, 9, 10.

[46] JS2, p. 4, 5.
[47] JS2, p. 10, 11.
[48] See recommendations 96.1; 97.3, 4, 5, 6, 7 at A/HRC/16/13.
[49] JS2, p. 1.
[50] JS2, p. 1.
[51] JS1, p. 1-4.
[52] See recommendations 97.10, 17, 18, 20, 27, 30, 65, 73; 98.15,16 at A/HRC/16/13 and A/HRC/16/13/Add.1.
[53] JS2, p. 4, 5.
[54] JS3, p. 1.
[55] JS3, p. 1.
[56] JS3, p. 2.
[57] See recommendations 97.31, 32, 34 at A/HRC/16/13.
[58] JS2, p. 8, 9.
[59] JS1, p. 1-4.
[60] JS3, p. 7.
[61] JS3, p. 14, 15, 16.
[62] See recommendations 97.36 at A/HRC/16/13.
[63] JS2, p. 11, 12.
[64] See recommendations 97.47, 48, 49, 50, 52, 53; 98.10,11 at A/HRC/16/13 and A/HRC/16/13/Add.1.
[65] JS2, p. 3, 4.
[66] JS3, p. 14, 15.
[67] JS2, p. 3, 4.
[68] OSCE/ODIHR, p. 6.
[69] HRW, p. 4, 5.
[70] See recommendations 97.51, 54, 55, 56, 57, 58, and 98.13,14 at A/HRC/16/13 and A/HRC/16/13/Add.1.
[71] HRW, p. 4, 5.and JS2, p. 11, 12.
[72] HRW, p. 4, 5.
[73] HRW, p. 4, 5.
[74] JS2, p. 12.
[75] HRW, p. 4, 5.and JS2, p. 11, 12.
[76] JS3,p. 3, 4.
[77] See recommendations 97.60, 61, 62 at A/HRC/16/13.
[78] JS2, p. 8, 9, 10.
[79] JS2, p. 8, 9, 10.
[80] EUAFR, p. 14. See also the Annual Report of 2011, Fundamental rights: challenges and achievements in 2011 (June 2012), p. 229, can be found on http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf..
[81] OSCE/ODIHR, p. 4, 5.
[82] OSCE/ODIHR, p. 2.
[83] JS2, p. 4, 5.
[84] EUAFR, p. 3. See also the Annual Report of 2013, Fundamental rights: challenges and achievements in 2013, p. 176, can be found on: http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013_en.pdf.
[85] EUAFR, p. 13, 14. See also the Annual Report of 2011, Fundamental rights: challenges and achievements in 2011 (June 2012), p. 138 and 143, can be found on http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf .
[86] JS2, p. 6-8.
[87] JS2, p.11.
[88] JS2, p. 15.
[89] OSCE/ODIHR, p. 4.
[90] See recommendations 96.2, 97.11, 26 and 98.8 at A/HRC/16/13 and A/HRC/16/13/Add.1.
[91] JS2, p. 13 and HRW, p. 1.
[92] HRW, p. 1.
[93] JS2, p. 13, 14.

[94] HRW, p. 2.
[95] JS2, p. 13, 14.
[96] JS2, p. 13.
[97] HRW, p. 2, 3.
[98] See recommendations 96.4, 97.21, 24, 25, 69-72, 76- 86; 98.6,7,17-20 at A/HRC/16/13 and A/HRC/16/13/Add.1.
[99] JS2, p. 7, 8.
[100] JS2, p. 7, 8.
[101] HRW, p. 3, 4.
[102] HRW, p. 3, 4.
[103] HRW, p. 3.
[104] EUAFR, p. 3. See also the Annual Report of 2013, Fundamental rights: challenges and achievements in 2013, p. 46, can be found on: http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013_en.pdf.